

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Magistrate No.
04M-1069-JGD

UNITED STATES OF AMERICA

v.

CESAR MIRANDA
a/k/a TUTO LNU

MEMORANDUM AND ORDER OF DETENTION

April 13, 2004

DEIN, M.J.

The defendant is charged in a criminal complaint with conspiracy to distribute, and possess with intent to distribute, five kilograms or more of cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 846. An initial appearance was held on April 1 2004, at which time the government moved for detention under 18 U.S.C. §§ 3142(f)(1)(C) (danger to the community) and (f)(2)(A) (risk of flight). A probable cause and detention hearing was scheduled for April 8, 2004, at which time it was continued to April 13, 2004. The defendant was represented by counsel at these two hearings.

At the probable cause and detention hearing on April 13, 2004, the government presented its case by way of the testimony of Special Agent Christian Brackett. Prior to this testimony the defendant, through counsel, notified the court that he intended to proceed with the probable cause hearing, but waived a detention hearing at this time, without prejudice to his right to seek release at a later date. Therefore, counsel cross-

examined the witness on issues relating to probable cause. At the conclusion of the hearing, the court found that there was probable cause to conclude that the defendant is the individual named in the complaint as Tuto LNU, and that he committed the crimes with which he has been charged.

IT IS ACCORDINGLY ORDERED that the defendant be DETAINED pending trial, and it is further Ordered --

(1) That the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) That the defendant be afforded a reasonable opportunity for private consultation with counsel; and

(3) On order of a court of the United States or on request by an attorney for the government, the person in charge of the corrections facility in which the defendant is detained and confined deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

The defendant may seek reconsideration of this order by filing an appropriate motion proposing conditions of release.

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge